

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELVIN APONTE,

Plaintiff,

v.

CITY OF PHILADLEPHIA, et al.,

Defendants.

CIVIL ACTION
NO. 20-3373

ORDER

AND NOW, this 3rd day of March 2021, upon consideration of the City of Philadelphia's Motion to Dismiss (ECF 3) and Aponte's Response (ECF 5), it is hereby **ORDERED** that, for the reasons stated in the Court's Memorandum:

1. The City of Philadelphia's Motion to Dismiss is **GRANTED**. Count IV of the Complaint is **DISMISSED WITHOUT PREJUDICE** and Count V is **DISMISSED WITH PREJUDICE**.
2. Aponte may file an amended complaint consistent with this Order and the Court's Memorandum on or before **Wednesday, March 17, 2021**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.